

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACE ENDICO CORP.,

Plaintiff,

-against-

METROPOLITAN FOODS, INC. d/b/a
DRISCOLL FOODS; and MATTHEW
WASSERMAN,

Defendants.

ORDER

23-CV-07812 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared by telephone today for a conference concerning Plaintiff's application for a temporary restraining order.

The Court directed as follows:


- 1) Plaintiff's counsel Pierre-Yves Kolakowski shall file his application for pro hac vice admission within 30 days.
- 2) The parties shall send to Chambers, *in camera* and *ex parte*, by e-mail to HalpernNYSDchambers@nysd.uscourts.gov, the following documents:
 - a. Plaintiff shall provide the June 2023 re-pricing information discussed at the conference, supported by affidavit of a person with personal knowledge;
 - b. Defendant Driscoll shall provide the bid submitted (or the draft bid to be submitted) to the Consortium, supported by affidavit of a person with personal knowledge; and
 - c. Defendant Wasserman shall provide an affidavit explaining what "for the schools" meant in the email annexed to the motion as Exhibit C (i.e., what schools?).
- 3) Counsel shall not have any discussion with the parties about the reasons for the Court's request for the foregoing documents.

- 4) If any party determines that the June 2023 re-pricing information became publicly-available, they shall e-mail such evidence to Chambers copying all parties.
- 5) The foregoing e-mails shall be sent by tomorrow morning, sufficiently in advance of the 2:00 p.m. conference.

A telephone conference has been scheduled for September 7, 2023 at 2:00 p.m. using the same dial-in instructions as today's conference.

SO ORDERED:

Dated: White Plains, New York
September 6, 2023



Philip M. Halpern
United States District Judge